

NOTIFICATION OF ENHANCEMENT – LITTERING ON PUBLIC ROADS OR HIGHWAYS

Defendant: _____, Case No. _____

ELEMENTS

41-6a-1712. Destructive or injurious materials on highways -- Throwing lighted material from moving vehicle -- Enforcement officers.

(1) A person may not throw, deposit, or discard, or permit to be dropped, thrown, deposited, or discarded on any public road or highway in the state, whether under state, county, municipal, or federal ownership, any plastic container, glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could: (a) create a safety or health hazard on the public road or highway; or (b) mar or impair the scenic aspect or beauty of the public road or highway.

(2) A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, on any public road or highway any destructive, injurious, or unsightly material shall: (a) immediately remove the material or cause it to be removed; and (b) deposit the material in a receptacle designed to receive the material.

(3) A person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public roadways or highways.

(4) A person removing a wrecked or damaged vehicle from a public road or highway shall remove any glass or other injurious substance dropped from the vehicle on the road or highway.

(5) A person may not throw any lighted material from a moving vehicle.

(6) Except as provided in Section 72-7-409, any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.

ENHANCEMENT / PENALTIES

41-6a-1713. Penalty for littering on a highway.

(1) A person who violates any of the provisions of Section 41-6a-1712 is guilty of a class C misdemeanor and shall be fined (a) not less than \$175 for a violation; or (b) not less than \$377.50 for a second or subsequent violation within three years of a previous violation of this section.

Minimum / Maximum Sentence

Class C Misdemeanor: 0 days to 90 days jail; Amounts listed above to \$1052.50 fines and surcharges, plus interest

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

Date

Defendant